

REMARKS

Assignee respectfully requests entry of the following amendments and remarks in response to the Non-Final Office Action mailed December 9, 2010. Assignee submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 21 and 23 are pending. In particular, Assignee amends claims 1 – 21. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections under 35 U.S.C. §101

The Office Action rejects claims 10-18 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. To address the Examiner's concerns, claims 10-18 have been amended to recite a "non-transitory computer-readable medium." Withdrawal of the rejection is respectfully requested.

II. Rejections under 35 U.S.C. §103

The Office Action indicates that claims 1-4, 6-8, 13, 15-17, and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0233265 ("*Lee*") in view of U.S. Publication Number 2004/0189698 ("*Bokish*") further in view of U.S. Publication Number 2004/0254998 ("*Horvitz*"). Claims 5, 9-12, 14, 18-20, and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Lee* in view of *Bokish*. The rejections are traversed for at least the following reasons.

Independent claim 1 recites:

A communication method comprising:
receiving an instant messaging message from a first sender to a first recipient;
waiting a predefined time interval for an input from the first recipient, the input being responsive to the instant messaging message;
determining whether input from the first recipient is received during the predetermined time interval;
in response to determining that no input from the first recipient is received during the predetermined time interval, prompting the first sender for permission to forward the instant messaging message from the first recipient to a second recipient and indicate, by the first recipient, that the instant messaging message originated from the first sender;
in response to receipt of the instant messaging message from the first sender to the first recipient and a determination that the first recipient is engaged in an instant messaging session with a second sender, the first sender is queried to join the instant messaging session, wherein in response to determining that the first sender desires to join the instant messaging session, the second sender is queried to determine whether to allow the first sender to join the instant messaging session, and wherein querying the second sender to allow the first sender to join the instant messaging session includes an automatically generated response to the instant messaging message from the first sender to the first recipient by an instant messaging client of the first recipient, without input from the first recipient; and
joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender.

(Emphasis added).

Claim 1 is allowable over the cited art for at least the reason that *Lee* in view of *Bokish* further in view of *Horvitz* fails to disclose, teach, or suggest “in response to receipt of the instant messaging message from the first sender to the first recipient and a determination that the first recipient is engaged in an instant messaging session with a second sender, the first sender is queried to join the instant messaging session, wherein in response to determining that the first sender desires to join the instant messaging session, the second sender is queried to determine whether to allow the first sender to join the instant messaging session, and wherein querying

the second sender to allow the first sender to join the instant messaging session includes an automatically generated response to the instant messaging message from the first sender to the first recipient by an instant messaging client of the first recipient, without input from the first recipient; and joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract. In addition, *Horvitz* discloses a process of sending a message and automatically retracting the message if the message is not received or read within a specified period of time. See paragraph 0026. *Horvitz* also discloses an “IM Unavailable Policy” for handling a received instant message when a recipient is or becomes unavailable that include converting the instant message to email or automatically-generating a response to the sender saying that the recipient is unavailable. See paragraphs 0041-0045.

Therefore, the cited art fails to teach or suggest at least “in response to receipt of the instant messaging message from the first sender to the first recipient and a determination that the first recipient is engaged in an instant messaging session with a second sender, the first sender is queried to join the instant messaging session, wherein in response to determining that the first sender desires to join the instant messaging session, the second sender is queried to determine whether to allow the first sender to join the instant messaging session, and wherein

querying the second sender to allow the first sender to join the instant messaging session includes an automatically generated response to the instant messaging message from the first sender to the first recipient by an instant messaging client of the first recipient, without input from the first recipient; and joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender,” as recited in claim 1.

For example, the Office Action asserts that paragraphs 0048-0054 of *Lee* disclose that a first sender is queried to join an instant messaging session with a second sender in response to a determination that the first recipient is engaged in an instant messaging session with the second sender. See page 5. However, Assignee submits that paragraphs 0048-0054 of *Lee* more aptly disclose a meeting scheduler sending meeting invites to invitees; the meeting scheduler waiting for confirmations to the invites; the meeting scheduler providing progress status updates to the meeting requester; the meeting scheduler attempting to negotiate within an invitee until the invitee is able to confirm the invite; and the meeting scheduler informing the meeting requestor that the meeting cannot be scheduled after expiration of a predefined time limit. Therefore, *Lee* does not disclose that a first sender is queried to join an instant messaging session with a second sender in response to a determination that the first recipient is engaged in an instant messaging session with the second sender, as described in claim 1. Further, Assignee submits that confirming a meeting invite is not tantamount to joining an instant messaging session between a first recipient and a second sender.

As a result, *Lee* in view of *Bokish* further in view of *Horvitz* fails to teach or suggest at least “in response to receipt of the instant messaging message from the first sender to the first recipient and a determination that the first recipient is engaged in an instant messaging session with a second sender, the first sender is queried to join the instant messaging session, wherein in response to determining that the first sender desires to join the instant messaging session,

the second sender is queried to determine whether to allow the first sender to join the instant messaging session, and wherein querying the second sender to allow the first sender to join the instant messaging session includes an automatically generated response to the instant messaging message from the first sender to the first recipient by an instant messaging client of the first recipient, without input from the first recipient; and joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender,” as recited in claim 1.

For at least these reasons, claim 1 is allowable. Dependent claims 2-4 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1.

Independent claim 5 recites:

A communication method comprising:
receiving an instant messaging message from a first sender to a first recipient;
determining whether input from the first recipient is received during a predetermined time interval;
in response to determining that no input is received from the first recipient during the predetermined time interval, determining whether the first recipient is engaged in an instant messaging chat session with a second sender; and
in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender, prompting the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender.

(Emphasis added).

Claim 5 is allowable for at least the reason that *Lee* in view of *Bokish* does not disclose, teach, or suggest “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender, prompting the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the

first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, the cited art fails to teach or suggest at least “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender, prompting the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 5.

For example, the Office Action asserts that *Bokish* discloses prompting a first sender to forward an instant messaging message from the first recipient to a second recipient: “User sends the message to the operation i.e. first recipient. Based on available agent i.e. a second recipient, operator forwards the message to the Agent by translating the address and where agent can directly or indirectly answer the IM originated by first sender.” Page 16. In the foregoing explanation, the first sender is not prompted to forward an instant messaging

message from the first recipient to a second recipient. Rather, the first recipient forwards the instant messaging message without receiving authorization from the first sender.

As a result, *Lee* in view of *Bokish* fails to teach or suggest at least “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender, prompting the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 5.

For at least these reasons, claim 5 is allowable. Dependent claims 6-9 are allowable for at least the reason that the claims depend from and include the elements of allowable independent claim 5. Further, *Horvitz* does not remedy the deficiencies of *Lee* and *Bokish* in disclosing the features of independent claim 5.

Independent claim 10 recites:

A computer-readable medium encoded with a computer program such that when executed by a computer performs at least the following:

receive an instant messaging message from a sender to a first recipient;

wait a predefined time interval for an input from the first recipient, the input being responsive to the instant messaging message;

determine whether input from the first recipient is received during the predetermined time interval; and

in response to determining that no input from the first recipient is received during the predetermined time interval, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender.

(Emphasis added).

Claim 10 is allowable for at least the reason that *Lee* in view of *Bokish* fails to disclose, teach, or suggest “in response to determining that no input from the first recipient is received during the predetermined time interval, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving permission from the sender,” emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, the cited art fails to teach or suggest at least “in response to determining that no input from the first recipient is received during the predetermined time interval, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving permission from the sender,” as recited in claim 10.

For example, the Office Action asserts that *Bokish* discloses prompting a sender to forward an instant messaging message from the first recipient to a second recipient: “User sends the message to the operation i.e. first recipient. Based on available agent i.e. a second recipient, operator forwards the message to the Agent by translating the address and where

agent can directly or indirectly answer the IM originated by first sender.” Page 16. In the foregoing explanation, the first sender is not prompted to forward an instant messaging message from the first recipient to a second recipient. Rather, the first recipient forwards the instant messaging message without receiving authorization from the first sender.

As a result, *Lee* in view of *Bokish* fails to teach or suggest at least “in response to determining that no input from the first recipient is received during the predetermined time interval, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving permission from the sender,” as recited in claim 10.

For at least these reasons, claim 10 is allowable. Dependent claims 11-13 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 10. Further, *Horvitz* does not remedy the deficiencies of *Lee* and *Bokish* in disclosing the features of independent claim 10.

Independent claim 14 recites:

A computer-readable medium encoded with a computer program such that when executed by a computer performs at least the following:

receive an instant messaging message from a first sender to a first recipient;

determine whether input from the first recipient is received during a predetermined time interval;

in response to determining that no input from the first recipient is received during the predetermined time interval, determine whether the first recipient is engaged in an instant messaging chat session with second sender; and

in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender prompt the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the IM message originated from the first sender, wherein the instant

messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender.

(Emphasis added).

Claim 14 is allowable for at least the reason that *Lee* in view of *Bokish* does not disclose, teach, or suggest “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender prompt the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as emphasized above.

For example, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, the cited art fails to teach or suggest at least “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender prompt the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 14.

For example, the Office Action asserts that *Bokish* discloses prompting a sender to forward an instant messaging message from the first recipient to a second recipient: “User sends the message to the operation i.e. first recipient. Based on available agent i.e. a second recipient, operator forwards the message to the Agent by translating the address and where agent can directly or indirectly answer the IM originated by first sender.” Page 16. In the foregoing explanation, the first sender is not prompted to forward an instant messaging message from the first recipient to a second recipient. Rather, the first recipient forwards the instant messaging message without receiving authorization from the first sender.

As a result, *Lee* in view of *Bokish* fails to teach or suggest at least “in response to determining that the first recipient is engaged in an instant messaging chat session with the second sender prompt the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 14.

For at least these reasons, claim 14 is allowable. Further, dependent claims 15-18 are allowable for at least the reason that the claims depend from and include the elements of allowable independent claim 14. Further, *Horvitz* does not remedy the deficiencies of *Lee* and *Bokish* in disclosing the features of independent claim 14.

Independent claim 19 recites:

A communication system comprising:
means for receiving an instant messaging (IM) message from a sender to a first recipient;
means for determining whether the first recipient has provided an input during a predefined time interval;
means for, in response to determining that the first recipient has not provided an input during the predetermined time interval, determining whether the first recipient is engaged in an IM chat session with another sender;

means for, in response to determining that the first recipient is engaged in an IM chat session with another sender, replying to the IM message; and

means for, in response to determining that the first recipient is not engaged in an IM chat session with another user, prompting the sender to forward the instant messaging message from the first recipient to a second recipient and indicate, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,

wherein all the means are embodied as hardware controlled by software.

(Emphasis added).

Claim 19 is allowable for at least the reason that *Lee* in view of *Bokish* fails to disclose, teach, or suggest “means for, in response to determining that the first recipient is not engaged in an IM chat session with another user, prompting the sender to forward the instant message from the first recipient to a second recipient and indicate, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as emphasized above.

For example, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, the cited art fails to teach or suggest at least “means for, in response to determining that the first recipient is not engaged in an IM chat session with another user,

prompting the sender to forward the instant message from the first recipient to a second recipient and indicate, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 19.

For example, the Office Action asserts that *Bokish* discloses prompting a sender to forward an instant messaging message from the first recipient to a second recipient: “User sends the message to the operation i.e. first recipient. Based on available agent i.e. a second recipient, operator forwards the message to the Agent by translating the address and where agent can directly or indirectly answer the IM originated by first sender.” Page 16. In the foregoing explanation, the first sender is not prompted to forward an instant messaging message from the first recipient to a second recipient. Rather, the first recipient forwards the instant messaging message without receiving authorization from the first sender.

As a result, *Lee* in view of *Bokish* fails to teach or suggest at least “means for, in response to determining that the first recipient is not engaged in an IM chat session with another user, prompting the sender to forward the instant message from the first recipient to a second recipient and indicate, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 19. For at least these reasons, claim 19 is allowable.

Independent claim 20 recites:

A communication system comprising:
a memory component that stores:
 instant-messaging (IM) receive logic configured to
receive an IM message from a sender to a first recipient;
 first determining logic configured to determine
whether the first recipient has provided an input during a
predefined time interval;
 second determining logic configured to, in response
to determining that the first recipient has not provided an input

during the predetermined time interval, determine whether the first recipient is engaged in an IM chat session with another sender;

reply logic configured to, in response to determining that the first recipient is engaged in an IM chat session with another sender, reply to the IM message; and

prompting logic configured to, in response to determining that the first recipient is not engaged in an IM chat session with another sender, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender.

(Emphasis added).

Claim 20 is allowable for at least the reason that *Lee* in view of *Bokish* does not disclose, teach, or suggest “prompting logic configured to, in response to determining that the first recipient is not engaged in an IM chat session with another sender, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as emphasized above.

For example, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. And, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, the cited art fails to teach or suggest at least “prompting logic configured to, in response to determining that the first recipient is not engaged in an IM chat session with

another sender, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 20.

For example, the Office Action asserts that *Bokish* discloses prompting a sender to forward an instant messaging message from the first recipient to a second recipient: “User sends the message to the operation i.e. first recipient. Based on available agent i.e. a second recipient, operator forwards the message to the Agent by translating the address and where agent can directly or indirectly answer the IM originated by first sender.” Page 16. In the foregoing explanation, the first sender is not prompted to forward an instant messaging message from the first recipient to a second recipient. Rather, the first recipient forwards the instant messaging message without receiving authorization from the first sender.

As a result, *Lee* in view of *Bokish* fails to teach or suggest at least “prompting logic configured to, in response to determining that the first recipient is not engaged in an IM chat session with another sender, prompt the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the IM message originated from the sender, wherein the instant messaging message is forwarded from the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 20.

For at least these reasons, claim 20 is allowable. Dependent claims 21 and 23 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 20. Further, *Horvitz* does not remedy the deficiencies of *Lee* and *Bokish* in disclosing the features of independent claim 20.

CONCLUSION

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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